
Introduced by Senator Mountjoy

February 24, 1997

An act to amend Sections 6609.1, 6609.2, and 6609.3 of the Welfare and Institutions Code, relating to sexually violent predators.

LEGISLATIVE COUNSEL'S DIGEST

SB 536, as introduced, Mountjoy. Juveniles: sexually violent predators.

Existing law requires the State Department of Mental Health to notify local law enforcement officials 15 days prior to the scheduled release of a sexually violent predator.

This bill instead would require the department to notify local law enforcement officials 15 days prior to the submission to a court of its recommendation for community outpatient treatment for any person committed as a sexually violent predator or its recommendation not to pursue recommitment of any such person.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6609.1 of the Welfare and
2 Institutions Code is amended to read:
3 6609.1. (a) When ~~any person committed as a sexually~~
4 ~~violent predator is going to be unconditionally released,~~
5 the State Department of Mental Health *is considering a*
6 *recommendation to the court for community outpatient*

1 *treatment for any person committed as a sexually violent*
2 *predator, it shall notify the sheriff or chief of police, or*
3 *both, and the district attorney, who has jurisdiction over*
4 *the community in which the person is scheduled to may*
5 *be released. Except as provided in subdivision (b), the*
6 *The notice shall be given at least 15 days prior to the*
7 *scheduled release date department's submission of that*
8 *recommendation to the court and shall include the name*
9 *of the person who is scheduled to be released, whether or*
10 *not the person is required to register with law*
11 *enforcement, and the community in which the person*
12 *will reside civil commitment was established.*

13 (b) ~~When a person committed as a sexually violent~~
14 ~~predator is scheduled to be released to a county other~~
15 ~~than the county from which he or she was committed, the~~
16 ~~State Department of Mental Health is considering a~~
17 ~~recommendation not to pursue recommitment of any~~
18 ~~person committed as a sexually violent predator, it shall~~
19 ~~provide written notice of that release to the sheriff or~~
20 ~~police chief, or both, and to the district attorney, who has~~
21 ~~jurisdiction over the community in which the inmate is~~
22 ~~scheduled to be released civil commitment was~~
23 ~~established.~~ The notice shall be made at least ~~45~~ 15 days
24 prior to the scheduled release date and shall include the
25 name of the person who is scheduled to be released,
26 whether or not the person is required to register with
27 local law enforcement, and the community in which the
28 person will reside on which the notification is to be
29 forwarded from the department to the court that will
30 consider the department's recommendation not to
31 pursue the extension of the civil commitment.

32 Those agencies receiving the notice referred to in this
33 subdivision shall have 15 days from receipt of the notice
34 to provide written comment to the department
35 regarding the impending release. Those comments shall
36 be considered by the department, which may modify its
37 decision regarding the community in which the person is
38 scheduled to be released, based on those comments.

39 (c) If the court orders the immediate release of a
40 sexually violent predator, the department shall notify the

1 sheriff or chief of police, or both, and the district attorney,
2 who has jurisdiction over the community in which the
3 person is scheduled to be released at the time of release.

4 (d) The notice required by this section shall be made
5 whether or not a request has been made pursuant to
6 Section 6609.

7 (e) The time limits imposed by this section are not
8 applicable where the release date of a sexually violent
9 predator has been advanced by a judicial or
10 administrative process or procedure that could not have
11 reasonably been anticipated by the State Department of
12 Mental Health and where, as the result of the time
13 adjustments, there is less than 30 days remaining on the
14 commitment before the inmate's release, but notice shall
15 be given as soon as practicable. In no case shall notice
16 required by this section to the appropriate agency be
17 later than the day of release. If, after the 45-day notice is
18 given to law enforcement and to the district attorney
19 relating to an out-of-county placement, there is change of
20 county placement, notice to the ultimate county of
21 placement shall be made upon the determination of the
22 county of placement.

23 SEC. 2. Section 6609.2 of the Welfare and Institutions
24 Code is amended to read:

25 6609.2. (a) When any sheriff or chief of police is
26 notified of the pending release of a person committed as
27 a sexually violent predator by the State Department of
28 Mental Health of its intention to make a recommendation
29 to the court concerning the disposition of a sexually
30 violent predator pursuant to subdivision (a) or (b) of
31 Section 6609.1, that sheriff or chief of police may notify
32 any person designated by the sheriff or chief of police as
33 an appropriate recipient of the notice.

34 (b) A law enforcement official authorized to provide
35 notice pursuant to this section, and the public agency or
36 entity employing the law enforcement official, shall not
37 be liable for providing or failing to provide notice
38 pursuant to this section.

39 SEC. 3. Section 6609.3 of the Welfare and Institutions
40 Code is amended to read:

1 6609.3. At the time a notice is sent pursuant to
2 subdivision (a) of Section 6609.1, the sheriff, chief of
3 police, or district attorney notified of the release shall also
4 send a notice to persons described in Section 679.03 of the
5 Penal Code who have requested a notice, informing those
6 persons of the fact that the person who committed the
7 sexually violent offense ~~is scheduled to~~ *may* be released
8 ~~and specifying the proposed date of~~ *together with*
9 *information identifying the court that will consider the*
10 *conditional or unconditional* release. Notice of the
11 community in which the person is scheduled to reside
12 shall also be given only if it is (1) in the county of
13 residence of a witness, victim, or family member of a
14 victim who has requested notice, or (2) within 25 miles
15 of the actual residence of a witness, victim, or family
16 member of a victim who has requested notice. If, after
17 providing the witness, victim, or next of kin with the
18 notice, there is any change in the release ~~date~~ *status* or the
19 community in which the person is to reside, the board
20 shall provide the witness, victim, or next of kin with the
21 revised information.

22 In order to be entitled to receive the notice set forth in
23 this section, the requesting party shall keep the sheriff,
24 chief of police, and district attorney who were notified
25 under Section 679.03 of the Penal Code, informed of his
26 or her current mailing address.

